

Richard M. Heimann (State Bar No. 63607)
Kelly M. Dermody (State Bar No. 171716)
Eric B. Fastiff (State Bar No. 182260)
Brendan Glackin (State Bar No. 199643)
Dean Harvey (State Bar No. 250298)
Anne B. Shaver (State Bar No. 255928)
Lisa J. Cisneros (State Bar No. 251473)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, California 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Joseph R. Saveri (State Bar No. 130064)
Lisa J. Leebove (State Bar No. 186705)
James D. Dallal (State Bar No. 277826)
JOSEPH SAVERI LAW FIRM
255 California, Suite 450
San Francisco, CA 94111
Telephone: (415) 500-6800
Facsimile: (415) 500-6803

Interim Co-Lead Counsel for Plaintiff Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DR. EDWARD E.
LEAMER IN OPPOSITION TO
DEFENDANTS' ADMINISTRATIVE
MOTION**

1 I, Edward E. Leamer, declare as follows:


2 1. On December 10, 2012, I submitted a Reply Expert Report in Support of
3 Plaintiffs' Motion for Class Certification. In that report, I responded to "Defendants' anecdotal
4 examples" which purported "to show that similar Class Members have very disparate and
5 unexplainable differences in compensation." Leamer Reply ¶ 62. I explained that, when
6 controlling for "common objective factors, such as title," there is a lack of variation among
7 similar employees, demonstrating the effects of Defendants' compensation structures and
8 enforcement of internal equity. *Id.* ¶¶ 62-64. The underlying data was first produced by
9 Defendants. I later provided the data to Defendants as part of the master dataset I produced to
10 Defendants with my initial expert report, filed October 1, 2012.

11 2. On January 9, 2013, Defendants filed a Supplemental Declaration of Professor
12 Kevin M. Murphy in Support of Defendants' Administrative Motion for Leave to Supplement the
13 Record ("Murphy Supplemental Declaration"). The Murphy Supplemental Declaration attaches
14 tables of salary and total compensation data for Apple and Intel employees over time. However,
15 the tables in the Murphy Supplemental Declaration improperly combine employees who held
16 different job titles in the same year, and thus group employees who were not, in fact, "similarly
17 situated." Supp. Murphy Decl., Ex. A. The tables make no distinction among employees who
18 changed job titles due to separations, job transfers, demotions, promotions, etc.

19 3. I have attached as Exhibit A charts that separate these same employees into groups
20 who shared the same job titles over the same years described in the Murphy Supplemental
21 Declaration. Here, again, the effects of Defendants' compensation structures and enforcement of
22 internal equity is apparent. These data further support my opinion that Defendants' salary
23 structures, and enforcement of internal equity, would have spread the effects of their agreements
24 on compensation broadly across all or nearly all members of the Class.

1 I declare under penalty of perjury under the laws of the United States that the above is true
2 and correct.

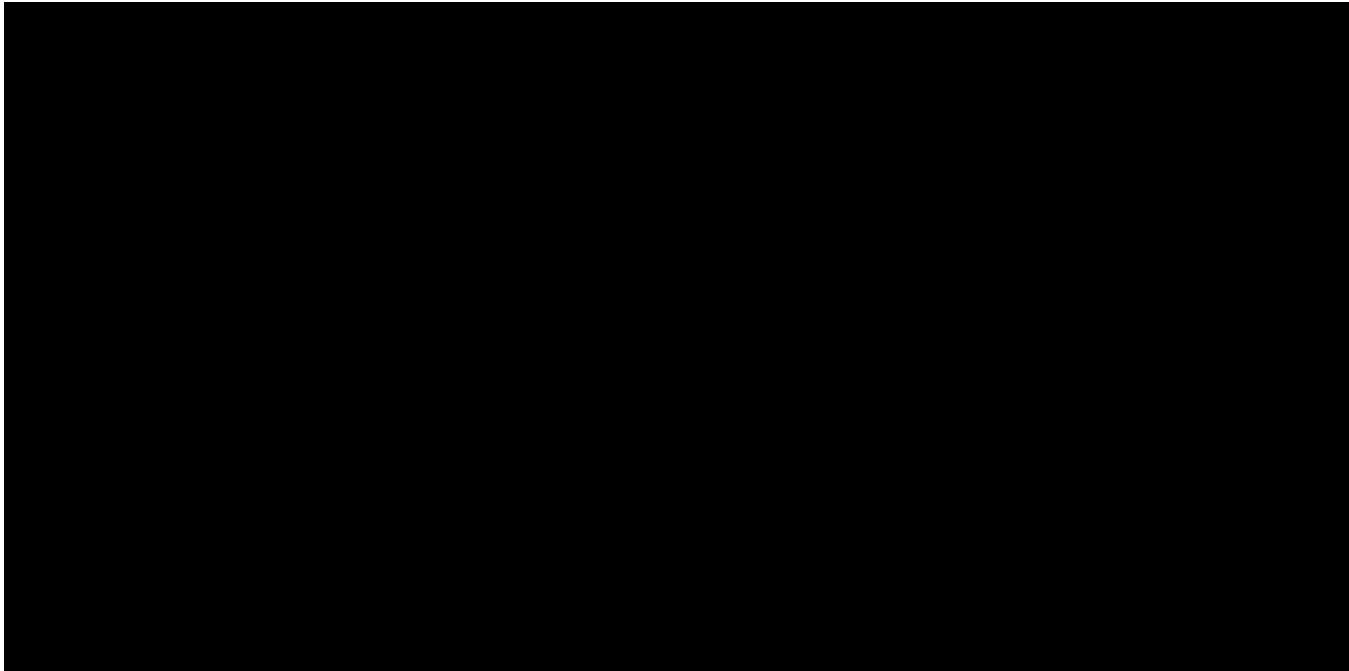
3 Executed on January 14, 2013, in Los Angeles, California.

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6 Edward E. Leamer
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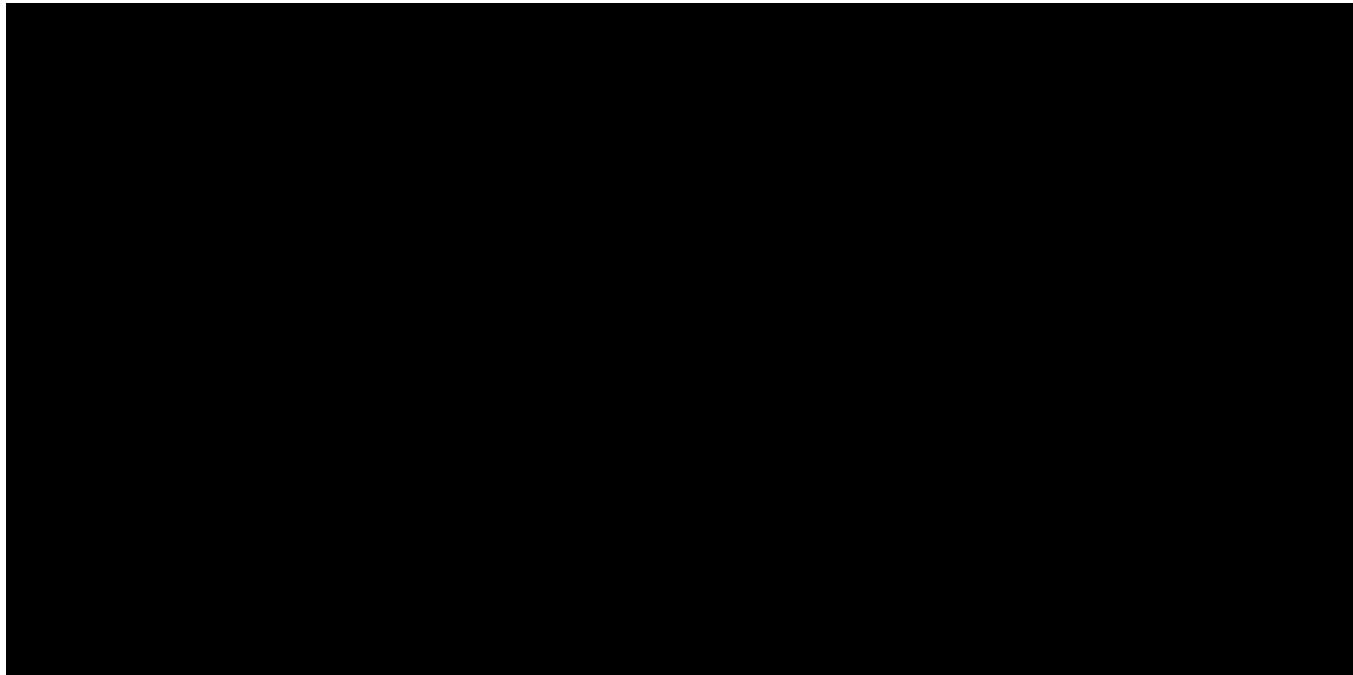
EXHIBIT A

Base Salary Growth of 4 Apple Employees



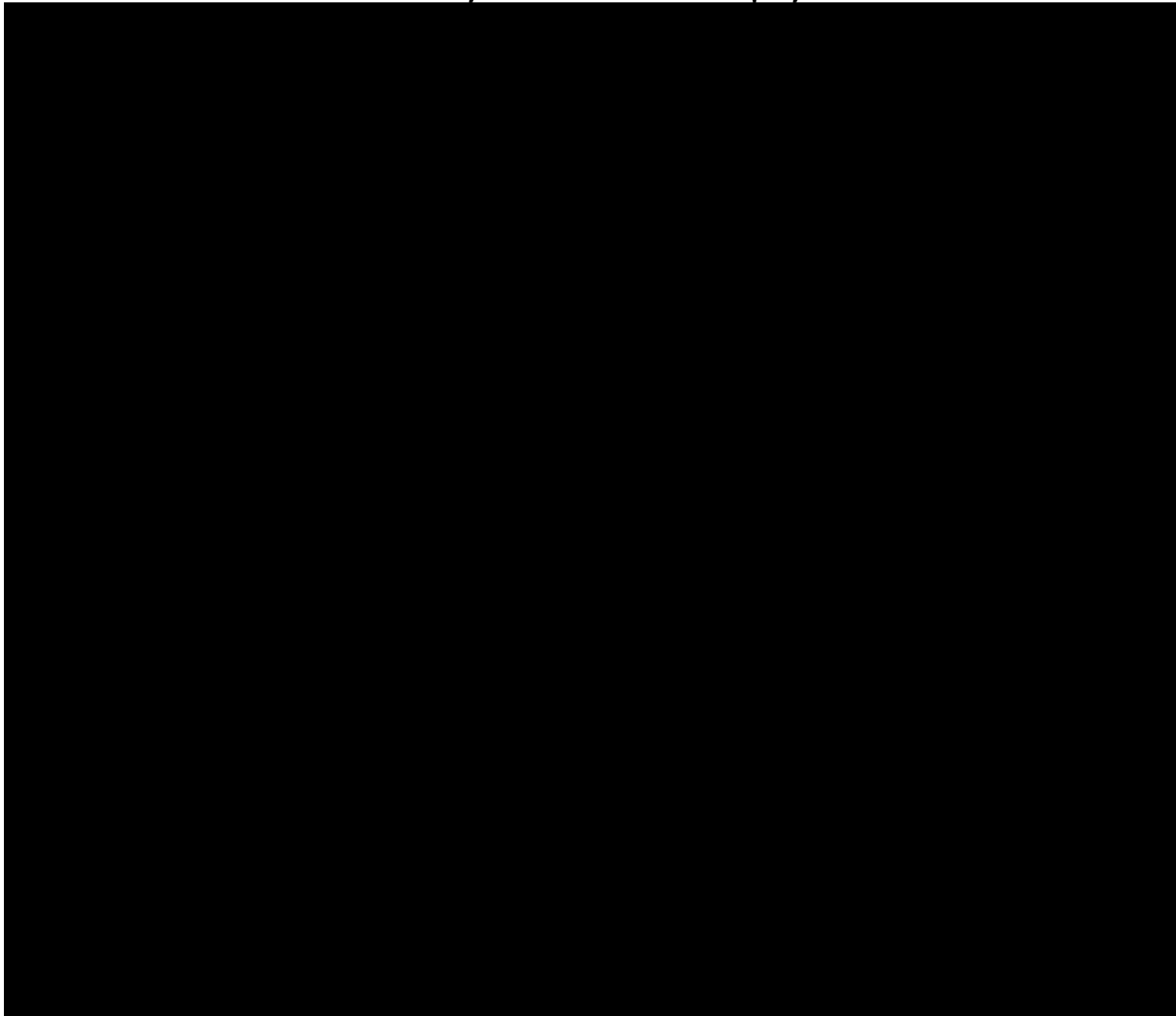
Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

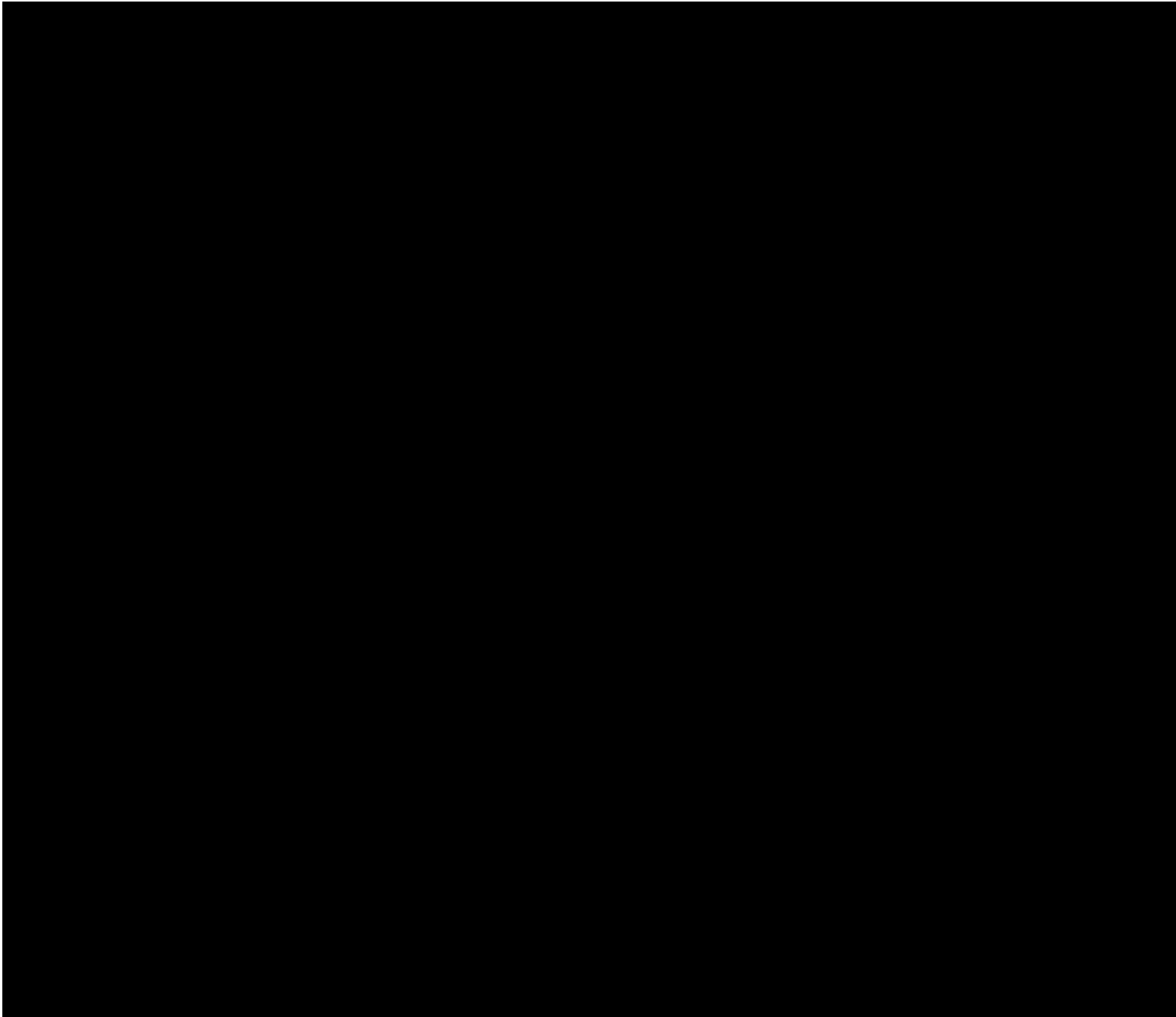
Total Compensation Growth of 4 Apple Employees



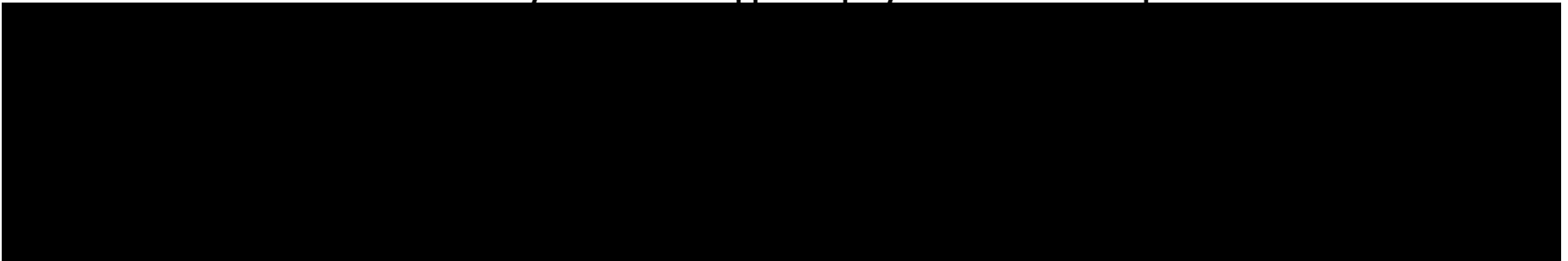
Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

Base Salary Growth of 28 Intel Employees





Base Salary Growth of 4 Apple Employees: Job Title Groups



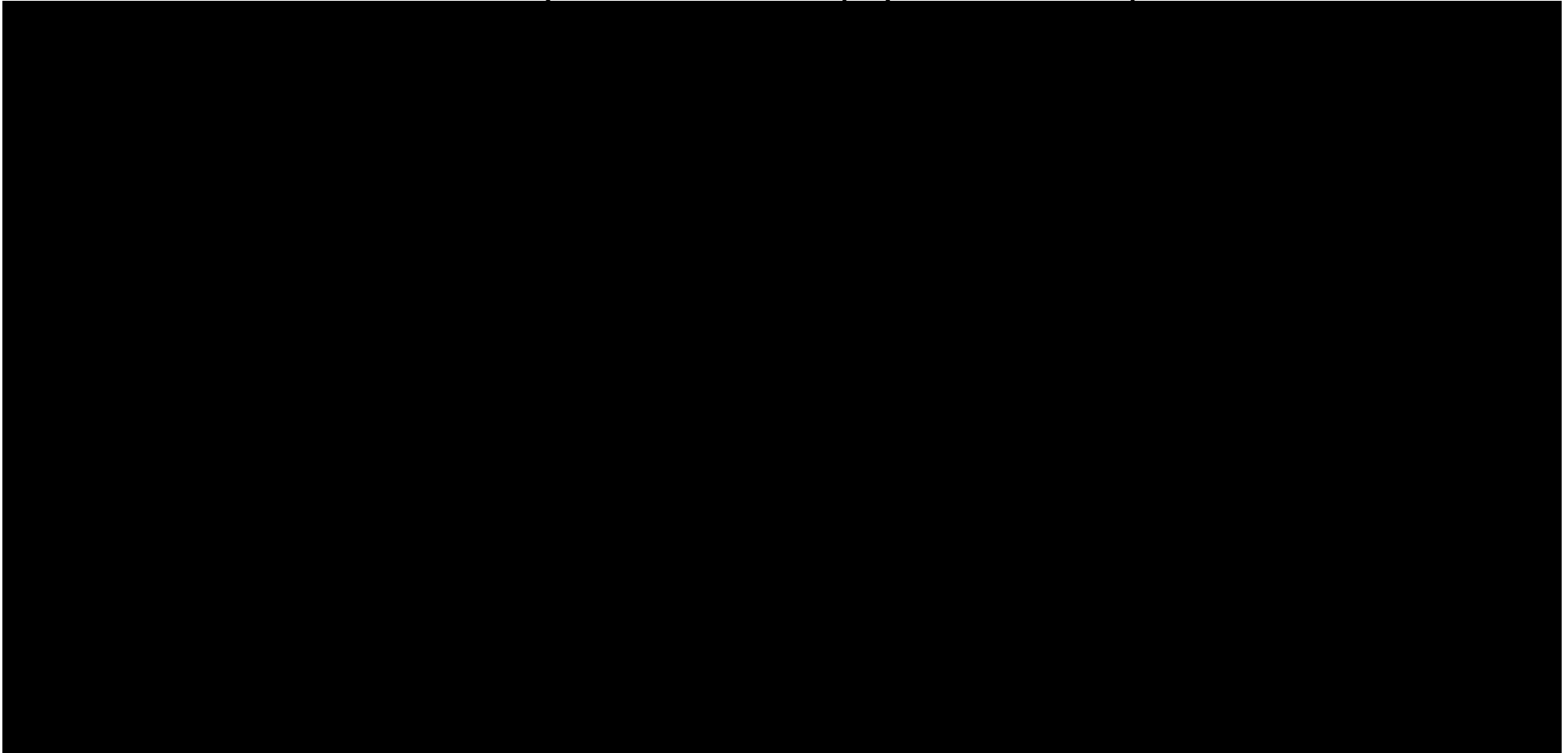
Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

Total Compensation Growth of 4 Apple Employees: Job Title Groups



Source: Exhibit A of Dr. Murphy's Supplemental Declaration.

Base Salary Growth of 28 Intel Employees: Job Title Groups



Total Compensation Growth of 28 Intel Employees: Job Title Groups

